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EXAMINER	
HO, DUC CHI	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,787	MUSSMAN ET AL.	
	Examiner	Art Unit	
	Duc C Ho	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 15-21 are objected to because of the following informalities: Regarding claim 15, it is unclear as to where the location of a second endpoint is with respect to the first endpoint, the packet network, the gateway or the call screening database device.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 5-6, it is unclear what is intended to be the claim limitation by reciting "a processor operable to receive a request form the gatekeeper through the one or more communication devices wherein the gatekeeper receives,".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9,13-18, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by MeLampy et al. (U.S. 2002/0112073), hereinafter referred to as MeLampy.

Regarding claim 1, MeLampy discloses a centrally controlled end-to-end service quality monitoring system and method in a distributed environment.

one or more communication devices providing access to a gatekeeper (a management station 112-fig. 1 provides access for provisioning, monitoring for session routers 128/124/126/122-fig. 1, see 0056, and 0065);

a memory device (a local memory 608-fig. 4 of a session router) *including a screening database* (the inbound/outbound policy screen-fig. 7 (0040) is implemented within the database-fig. 3 (0756), see 0103)*; and*

a processor (a processor 606-fig. 4, see 0103) operable to receive a request from the gatekeeper through the one or more communication devices wherein the gatekeeper receives,

wherein in response to a receive request, the processor performs call screening in conjunction with the screening database (the processor 606-fig. 4 communicates with the policy screen with the memory 608).

Regarding to claim 2, the processor 606-fig. 4 is capable of querying the policy screen, determining a match, and sending the response to the associated session router.

Regarding claim 3, a session router 124-fig. 1 provides access to an IP network 142-fig. 1 (0057).

Regarding claims 4, and 16, the network 142-fig. 1 is an IP network.

Regarding claim 5, the local memory 608-fig. 4 is Random Access Memory(RAM).

Regarding claim 6, the local memory 608 is associated with the hard disk 615 via the PCI bus 613, therefore, the memory is capable of functioning as a hard disk.

Regarding claim 7, the policy screen-fig. 7 is structured as a file database.

Regarding claim 8, the policy screen-fig. 7 is structured as a relational database.

Regarding claim 9, the policy screen-fig. 7 is able to be structured as an object-oriented database, see 0019.

Regarding claims 13, and 17, the telephone devices 222/224-fig.1 are the H.323 endpoints, see 0085.

Regarding claims 14, and 18, the telephone devices 222/224-fig.1 are the SIP endpoints, see 0085.

Regarding claim 15, MeLampy discloses a centrally controlled end-to-end service quality monitoring system and method in a distributed environment.

A first endpoint connected to a packet network (a telephone 222 connected to the IP network 142-fig. 1 via session routers 128/122/124-fig. 1);

a gateway connected to a packet network (a session router 128 connected to an IP network 142-fig.1)*; and*

a call screening database device connected to the packet network (the session router 128 includes an inbound/outbound policy screen-fig. 7 . The database-fig. 3 (0756), for policy screen is inherently stored within the local memory 608-fig. 4 for processing a call request, i.e, Invite 252-fig. 2 from the device 222 to the device 224, see 0103), *the call screening database device having a screening database residing in a memory for processing a call request form the first endpoint to a second endpoint.*

Regarding claim 22, MeLampy discloses a centrally controlled end-to-end service quality monitoring system and method in a distributed environment.

receiving a call request in a gateway (a gateway SIP proxy server 246-fig. 2 implemented within the session routers 128/124/126/122-fig. 1 receives call request, i.e, Invite 252-fig. 2 from a device 248-fig. 2, or either devices 222/224-fig. 1, see 0023, 0100, and 0060-0065);

processing the call request in conjunction with a screening database residing in a memory of a screening database device (the Invite 252-fig. 2 is processed in conjunction with inbound/outbound policy screen-fig. 7 of the session routers-fig. 1. The database-fig. 3 (0756), for policy is inherently stored within the local memory 608-fig. 4, see 0103); *and*

routing the call request in response to the process (the second Invite 254 which is a part of the first Invite 252 is transmitted to a device 244-fig.2, or either devices 222/224-fig. 2, see 0060).

Regarding claim 23, the device 248-fig. 2 sends an Invite 252 to the SIP proxy server 246 (gatekeeper). The server 246 implemented within the session routers

processes the message with policy screen for transmission of Invite 254 to the device 244. If the device 244-fig. 2 is willing to accept communication, then the device 248 would receive an OK message from the server 246, see 0060.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 10-11, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MeLampy, in view of Thornton et al.(US 2002/0101860), hereinafter referred to as Thornton.

MeLampy discloses all claimed limitations, except (1) the received request includes a dialed number, and determining a response to the received request includes: (2) determining whether the received request is permitted; and (3) creating a response number using the dialed number and the received request.

Thornton discloses application for a voice over IP (VOIP) telephony gateway and methods for use therein. Referring to figure 11, (1) an Admission Request (ARQ) 1105 including a Call ID of the dialed number (see 0220, 0229-fig.12) is received by a gatekeeper. The gatekeeper (2) determines whether the call is permitted (see 0225). And in response (3) the gatekeeper creates a response 1115, illustrated as ACF 1220-fig. 12 (see 0224, 0029) that bases on the call ID and the ARQ 1105.

One skill in the art would recognize the advantage of using a Call ID field in a H.323 call proceeding (see 0220) into the system of MeLampy in order to distinguish a call from any other should a need arise to auto-switch that call in response to QOS changes.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine MeLampy with Thornton.

The suggestion/motivation for doing so would have been to distinguish a call from any other should a need arise to auto-switch that call in response to QOS changes.

Therefore, it would have been obvious to combine MeLampy with Thorton to obtain the invention as specified in claim 10.

Regarding claim 11, the response ACF 1220-fig. 12 includes the response number.

Regarding claim 19, the claim has similar limitations as claim 10. Therefore, it is rejected under MeLampy-Thornton for the same reasons set forth in the rejection of claim 10.

Regarding claim 20, the response ACF 1220–fig. 12 in Thornton conform to the H.323 protocol.

Regarding claim 21, MeLampy teaches the response message –fig. 2 conforming to the SIP.

Allowable Subject Matter

8. Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barany et al. (US 2001/0043577); Mak (US 2002/0116464); Schuster et al. (US 6,804,224) are cited to show screening inbound calls in a packet-based communications network, which is considered pertinent to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

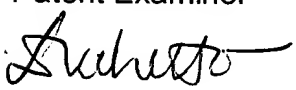
If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

10-29-04